REMARKS

I. INTRODUCTION

By the current amendment, the specification has been amended. Claims 39, 41-50 and 52-60 are currently pending. In view of the foregoing amendments and following representations, allowance of this application is most respectfully requested.

II. AMENDMENT TO THE SPECIFICATION

The Examiner has objected to the specification for certain informalities relating to Example 1. The specification has been amended herein to clarify the disclosure of Example 1.

III. REJECTION UNDER 35 U.S.C. § 112, ¶1, BEST MODE

The Examiner has rejected claims 39, 41-50 and 52-60 under 35 U.S.C. § 112, first paragraph for an alleged violation of the best mode requirement. For the reasons set forth in detail below, Applicants respectfully disagree and request that this rejection be withdrawn.

For a patent to be invalid under the best mode requirement of 35 U.S.C. § 112, it must be shown that the inventors had a best mode for carrying out the invention that they failed to disclose.

> Determining compliance with the best mode requirement requires a two-prong inquiry. First, it must be determined whether, at the time the application was filed, the inventor possessed a best mode for practicing the invention. This is a subjective inquiry which focuses on the inventor's state of mind at the time of filing. Second, if the inventor did possess a best mode, it must be determined whether the written description disclosed the best mode such that a person skilled in the art could practice it. This is an objective inquiry, focusing on the scope of the claimed invention and the level of skill in the art. *Eli Lilly & Co. v.*

Barr Laboratories Inc., 251 F.3d 955, 963, 58 USPQ2d 1865, 1874 (Fed. Cir. 2001). MPEP § 2165.

The Examiner states that "Exhibit 1051 provides evidence that at least some of the combinations of dopant and host disclosed in the examples set forth in the present specification do not meet the present claim limitations." Applicants respectfully submit that this is an insufficient basis for the assertion of a best mode violation.

The Declaration of Exhibit 1051 is dated October 17, 2006. The declarant is Dr. Daniel Nocera, who is not an inventor on the present application. This document can not be used to show that the inventors, at the time that the application was filed, withheld their best mode of practicing the invention. In pertinent part, Exhibit 1051 merely reports recent measurements of the HOMO and LUMO of selected materials. In sum, Exhibit 1051 provides no evidence that the inventors possessed a best mode for practicing the invention at the time of filing the present application, or that they withheld such a best mode from disclosure in the present application.

Also, the Examiner questions whether the combination of TAZ and $Ir(ppy)_3$ would meet the requirement for the HOMO/ionization potential of the present claims, based on the data reported in Exhibit 1051. Applicants respectfully submit that Exhibit 1051 confirms that the HOMO energy of $Ir(ppy)_3$ is less than (i.e., has a smaller absolute value than) the ionization potential of TAZ.

IV. REJECTION UNDER 35 U.S.C. § 112, ¶1, ENABLEMENT

Claims 39, 41-50 and 52-60 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. For the reasons set forth in detail below, Applicants respectfully submit that the claims fully comply with the enablement requirement of section 112 and request that this rejection be withdrawn.

In order to make a rejection under the enablement requirement of section 112, the examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. *In re Wright*, 999 F.2d 1557, 1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993) (examiner must provide a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure). A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. §112, first paragraph. MPEP § 2164.01.

The Examiner does not identify any limitation that allegedly lacks enablement. Rather, the Examiner bases the rejection on the fact that the combination of $Ir(ppy)_3$ with TAZ or BCP from certain Examples would not meet the claim limitation specifying that the LUMO of the emissive material be lower than the LUMO of the host material. Applicants respectfully submit that this does not indicate in any way that the present claims lack enablement.

The test for enablement is whether a person skilled in the art could make and use the invention as claimed without undue experimentation. *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988) ("The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation."). A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991)

The fact that experimentation may be complex does not necessarily make it undue, if the art typically engages in such experimentation. *In re Certain Limited-Charge Cell Culture Microcarriers*, 221 USPQ 1165, 1174 (Int'l Trade Commission 1983), *aff'd. sub nom.*,

Massachusetts Institute of Technology v. A.B. Fortia, 774 F.2d 1104, 227 USPQ 428 (Fed. Cir. 1985). *See also In re Wands*, 858 F.2d at 737, 8 USPQ2d at 1404. The test of enablement is not whether any experimentation is necessary, but whether, if experimentation is necessary, is it undue. *In re Angstadt*, 537 F.2d 498, 504, 190 USPQ 214, 219 (CCPA 1976).

The present invention relates to organic light emitting devices having increased efficiency. The increased efficiency stems from the use of a phosphorescent dopant material that has a triplet energy that is less than the triplet energy of the host material and through "charge-trapping" on the phosphorescent dopant. Applicants provide the method for the device fabrication. Applicants also provide a description of the criteria for charge trapping on the dopant material. See Specification at page 7, lines 1-10; page 7, line 15 – page 8, line 12; page 12, line 21 – page 13, line 2. A person of ordinary skill in the art would be familiar with the techniques used to measure the HOMO and LUMO of a given material as such measurements of the HOMO and LUMO are routine in this field. Moreover, none of the present claims require the combinations of host and dopant cited by the Examiner. Thus, Applicants respectfully submit that a person skilled in the art could make and use the invention as claimed without undue experimentation.

IV. MISCELLANEOUS

The Examiner refers to the prosecution of the parent application Serial No. 09/629,335 (now U.S. Patent No. 6,645,645). Contrary to the Examiner's understanding, the data presented in Exhibit 1051 show that PtOEP has a HOMO energy that is less than the ionization potential of Alq_3 and that PtOEP has a LUMO energy level lower than the LUMO level of Alq_3. Applicants note that we have recently requested a narrowing re-issue

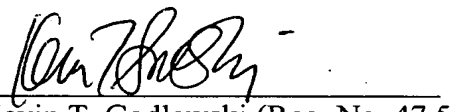
examination of U.S. Patent No. 6,645,645 (re-issue application Serial No. 11/787,753, filed on April 16, 2007).

V. CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance and requests that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicant's attorney, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,
KENYON & KENYON LLP

Dated: August 6, 2007

By: 

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